

Serial No. 10/743,357

Dkt.: P-11209.05

Filing Date: December 22, 2003

Title: EXTRACORPOREAL BLOOD CIRCUIT PRIMING SYSTEM AND METHOD

Remarks

The Office Action rejected claims 1, 27 and 28 under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Pat. No. 6,890,316 to Rawles et al in view of U.S. Pat. No. 5,540,653 to Schock et al.

Claims 27-29 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 10 and 18 of copending Application No. 10/743,373 in view of U.S. Pat. 6,890,316 and U.S. Pat. No. 5,540,653.

Claims 2-26 and 30-41 are objected to as being dependent on a rejected base claim, but were indicated as being allowable if rewritten.

Please find enclosed herewith a terminal disclaimer. Applicants respectfully submit that the terminal disclaimer is improper as the '373 application is merely a pending application. Additionally, it is respectfully submitted that the claims of the present invention are not obvious over the claims of the '373 application and the '316 and '653 patents. However, solely in an effort to expedite prosecution of this application, and not as an admission of the correctness of the requirement of a terminal disclaimer, applicants have supplied the terminal disclaimer.

With respect to the rejection of claims 1, 27 and 28 under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Pat. No. 6,890,316 to Rawles et al in view of U.S. Pat. No. 5,540,653 to Schock et al, applicants respectfully disagree. While applicants agree that Rawles et al does not anticipate the claims of the present invention, applicants disagree that Rawles and Schock render claims 1, 27 and 28 obvious. However, solely to expedite prosecution of allowed claims in this case, Applicants have amended claim 2 to be in independent form and canceled claim 1. Thus, this claim and its dependent claims are believed in condition for allowance.

Claim 27 has also been amended to be placed in independent form for the same reason. The only rejection of claim 27 was the rejection based on nonstatutory obviousness-type double patenting. This rejection is believed moot. Thus, claim 27 and its dependent claims are believed to be in condition for allowance.

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Reconsideration and withdrawal of the rejections of the claims, in view of the remarks and amendments presented herein, is respectfully requested.

A supplemental information disclosure statement and a petition for a three month extension of time accompany this amendment.

A request for a two-month extension of time accompanies this amendment.

Please charge the fee for the supplemental information disclosure statement, the extension of time fee and the fee of \$130.00 for the terminal disclaimer to Deposit Account No. 13-2546.

If any questions remain in this case, the Examiner is invited to telephone Applicants' attorney at (763) 391-9661 to facilitate prosecution of this application.

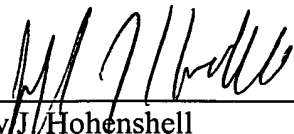
Conclusion

Applicants respectfully submit that claims 2-26 and 29-41 are in condition for allowance, and notification to that effect is earnestly requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-2546.

Respectfully submitted,

Date: October 2, 2006

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